

**POLICY AND LAW COMMITTEE MEETING  
JULY 14, 2005 – 1PM  
SMYRNA REST AREA**

**Present:** Bob Osgood, SCPD; Regina Byers (GCAAPD); Norwood Coleman, DSCYF; Brian Hartman, DLP; Doyle Dobbins DELARF; Marge Turner, UCP; Wendy Strauss, GACEC; Rita Marocco, NAMI-DE; Karen Lazaar, Ombudsman's Office, DSAAPD; Liz Schantz, Consumer; Pat Maichle, DDC; Chris Long, DDDS/DHSS; Jamie Wolfe, Consumer; Kyle Hodges, Staff.

**Absent:** Daniese McMullin-Powell, SCPD; Rita Landgraf, SCPD; Tony Horstman, SCPD; Tim Brooks, CDS; Carolanne O'Brien, DVR; Cookie Austin, Parent; Brian Bard, Consumer; Becky Allen, The Arc;

**Guest:** Patrick Ryan

**CALL TO ORDER**

Bob Osgood called the meeting to order at 1:10 PM

**ADDITIONS OR DELETIONS TO THE AGENDA**

Kyle added the following items to the agenda: 1) August meeting; 2) Federal bill on drug convictions; 3) stem cell research; 4) SB 68 (levels of arsenic); and 5) the Equal Credit Opportunity Act.

**APPROVAL OF MINUTES**

The June 9, 2005 meeting minutes were approved as submitted.

**REVIEW OF BILLS AND REGULATIONS**

1. H.B. No. 235 (Del. Healthy Children Program: Dental Coverage) - Motion was made, seconded and approved for SCPD to endorse the bill.

2. H.B. No. 259 (Medicaid: Dental Coverage) - Motion was made, seconded and approved for SCPD to strongly endorse the bill. Kyle with contact Dave Michalik regarding the synopsis. It may not be 100% accurate since it recites that the bill would extend dental coverage to Medicaid beneficiaries over age 18. The bill would actually extend such coverage to persons over age 21. Parenthetically, this could diminish the size of the fiscal note if based on the incorrect age. If needed, Kyle will also contact Lori Christiansen.

Please note that Wendy contacted Dave and determined that Brian's analysis was correct and the budget office was aware of the inconsistency and knows that Medicaid currently covers dental services for person under age 21.

3. S.S. No. 1 for S.B. No. 178 (State Employee Disability Insurance Program) – Motion was made, seconded and approved for SCPD to endorse the bill contingent upon the determination by Kyle if the bill has already passed both the House and Senate. Please note that, according to the Legislative web site, the bill was signed on July 12, 2005' therefore, Kyle did not send a letter.

4. S.B. No. 193 (License Plates) – It was agreed to obtain PVAs perspective and table this until the next meeting.

5. S.B. No. 146 (Delaware Health Insurance Pool) - Motion was made, seconded and approved for SCPD to strongly endorse the bill.

6. DSS Final "Couples Cases" Regulation [9 DE Reg. 142 (July 1, 2005)] - DSS acknowledged SCPDs and GACEC endorsements and adopted the regulations with no changes. No further action was needed.

7. DOE Final Resident Advisor (Houseparent) Permit Regulation [9 DE Reg. 115 (July 1, 2005)] – It was agreed to share the observations with CODHHE and solicit the perspective of the Director of the School for the Deaf (see attached email).

8. DOE Final Interpreter Tutor for the Deaf Regulation [9 DE Reg. 113 (July 1, 2005)] – It was agreed no further action was needed.

9. Bd. Of Pharmacy Final Licensing Regulation [9 DE Reg. 85 (July 1, 2005)] - Motion was made, seconded and approved for SCPD to send a "thank you" letter.

10. DSS Proposed Food Stamp Income Exclusion Regulations [9 DE Reg. 60 (July 1, 2005)] - Motion was made, seconded and approved for SCPD to endorse the regulations.

11. DSS Proposed Spousal Impoverishment Resource Reg. [9 DE Reg. 70 (July 1, 2005)] – It was agreed to strongly oppose the regulations and Kyle will try to obtain a copy of the bill. In addition, it was agreed to include in the letter that this would affect the lowest income population and therefore may disproportionately affect the immediate family of people with disabilities. Motion was made, seconded and approved for SCPD to oppose the proposed regulations consistent with Brian's memo and the aforementioned issues. Chris Long abstained.

12. DSS Emergency & Proposed Medicaid PDL Regulation [9 DE Reg. 6 & 73 (July 1, 2005)] – Rita Marocco reported that there are different formularies (e.g. State, Drug Utilization Board, Pharmacy and Therapeutic Committee - PDL) – how do these interface? Brian reported that HB 291 has been introduced which regulates the formulary and has some good concepts. Brian recommended that SCPDs comments include that

DSS carefully review HB 291 for additional consumer oriented provisions which may improve the operation of the PDL. In addition, it was recommended that DSS needs to define a mental health drug in such a way that it is meaningful and expansive to include medications for neurological conditions. Finally, it was agreed to oppose the concept of a PDL upfront. Motion was made, seconded and approved to write a letter consistent with Brian's memo and the aforementioned recommendations. Rita Marocco and Chris Long abstained.

13. DOE Proposed Charter School Modification Regulations [9 DE Reg. 19 (July 1, 2005)] – Motion was made, seconded and approved for SCPD to share the observations consistent with Brian's memo. Tim Brooks abstained.

14. DOE Prop. Autism/Severe Disabilities Teacher Cert. [9 DE Reg. 51 (July 1, 2005)] - Motion was made, seconded and approved for SCPD to endorse the regulations subject to the correction of the minor error. Tim Brooks abstained.

15. DOE Proposed School Transportation Regulations [9 DE Reg. 35 (July 1, 2005)] - Motion was made, seconded and approved for SCPD to endorse the regulations. Tim Brooks abstained.

16. DOE Proposed Supportive Instruction (Homebound) Regulation [9 DE Reg. 34 (July 1, 2005)] - Motion was made, seconded and approved for SCPD to share the observations consistent with Brian's memo. Tim Brooks abstained.

17. DOE Proposed LEP Regulations [9 DE Reg. 30 (July 1, 2005)] - Motion was made, seconded and approved for SCPD to share the observations consistent with Brian's memo. Tim Brooks and Chris Long abstained.

18. Executive Order No. 68: Health Disparities Task Force [9 DE Reg. 144 (July 1, 2005)] - Motion was made, seconded and approved for SCPD to recommend that a representative from the Division of Child Mental Health Services be included on the Task Force so that disparities regarding the mental health of children are not overlooked. In addition, Kyle will attempt to get a copy of the report referenced in the Executive Order.

19. Executive Order No. 69 [9 DE Reg. 145 (July 1, 2005)] – It was agreed to take no action.

## **OTHER BUSINESS**

- Kyle noted that the August meeting is tentatively scheduled for August 18, 2005. Kyle asked if the Committee should even meet in August. It was suggested and agreed for SCPD to collaborate with DDC to coordinate a meeting with Harry Hill to discuss the Medicaid PDL and other relevant issues.
- Kyle reported on a federal bill that would scale back the provision of the Higher Education Act that denies federal financial aid to students with drug convictions. It was agreed that Kyle would conduct further research and bring back any relevant information to the Committee.

- Kyle asked if SCPD should discuss stem cell research at one of its meetings prior to the next legislative session. Representative Valihura approached Kyle and Jamie to determine if the disability community had a perspective on Delaware's stem cell bill – whether it supports, opposes or does not have a formal position on the bill. Pat will provide Kyle with an article on stem-cell research. After discussion, it was agreed to address the issue from both the state and federal perspective. Kyle will contact Representative Castle's office and Representative Valihura to determine who to invite from the State.
- Kyle reported that he received information on S.B. 68 (arsenic levels). Pat and Chris Long are interested in receiving a copy of the report.
- Patrick Ryan provided an overview of the federal Equal Credit Opportunity Act. Kyle noted that the DLP is conducting research on this issue to determine if Delaware should adopt legislation similar to the federal law. Representative Hudson is receptive to introducing such legislation. Patrick noted that Delaware has no law which protects people with disabilities from discrimination in this context.

## **ADJOURNMENT**

The meeting was adjourned at 3:40 PM.

Respectively submitted,

Kyle Hodges  
 SCPD Administrator  
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